

REMARKS**Rejection of Claims 1-24 under 35 U.S.C. § 102 (e) as being anticipated by United States Patent No. 6,901,268 B2 to Chang**

Applicant has amended independent claims 1, 11 and 18 to clarify the claims and obviate the rejection. In particular, Applicant has amended the independent claims to indicate that the first and second channels are co-channels between a base station and a mobile station. No new matter is added by this amendment. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Chang as herein amended.

Applicant has amended claims 1, 11 and 18 to state that the first and second channels are co-channels between a base station and a mobile station. According to the claims, therefore, the condition the classification of one of the co-channels, e.g. a second channel, between a base station and a mobile station can cause the reclassification of the other of the co-channels, e.g. the first channel, between the base station and the mobile station. Specifically, the first channel can be reclassified from a DTX to a TX or erasure depending on the conditions of the second channel. In an embodiment, the high reliability of the second channel can be used to correctly classify the conditions of the first channel which has a lower reliability.

Chang is directed to a method of transmitting power control information to a base station controller (BSC) in a base station transitive system (BTS) of a mobile communication system. The BTS receives forward power control (FPC) information indicating a slow power control from the BSC and transmits the FPC mode information to a mobile station (MS). The BATS extracts an erasure indicator bit (EIB) that is a power control command in a frame period from a reverse pilot channel received from the MS according to the FPC mode information, determines the status of the EIB, and transmits a reverse Supplemental Channel (SCH) message including the EIB status information to the BSC.

As understood by Chang, the classification of a transmit channel conducted by a device, e.g. a base station, by determining the type of channel that is received by the device. Moreover, Chang discloses in the sections cited in the Final Office Action that the BTS classifies the channel between the BTS and the BSC according to the channel received by the BTS from the MS. In other words, the classification of the channel from the mobile station to the base station dictates the classification of the channel from the base station to the base station controller. This is not what is claimed by Applicant. Applicant claims that the channels are co-channels between a base station and a mobile station. Thus, one channel between the base station and mobile station is reclassified according to the classification of another channel between the base station and mobile station. In sum, Chang does not disclose the co-channels as it discloses a channel between a mobile station and a base station and a base station and base station controller. Moreover, Chang does not disclose the reclassification of one co-channel based on the other co-channel.

In view of the foregoing, Applicant respectfully submits that Chang does not disclose the first channel and the second channel being co-channels between a base station and a mobile station and that the first channel of the co-channels can be reclassified according to the classification of the second channel. Applicant therefore respectfully submits that Chang does not anticipate claims 1, 11 and 18. As claims 2-10 depend on claim 1, claims 12-17 depend on claim 11 and claims 19-24 depend on claim 18, Applicant submits that these claims are novel for the same reasons. Applicant requests that the rejection under Section 102(e) be withdrawn.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,
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